



Testimony of Louise DiCocco  
Counsel, CBIA  
To the Labor & Public Employees Committee  
February 26, 2019

**RE: Testimony in Opposition to HB 6916, AA Expanding Remedies and Potential Liability for Unreasonably Contested or Delayed Workers' Compensation Claims**

Senator Kushner, Representative Porter, Senator Minor, Representative Polletta, members of the Labor & Public Employees Committee, thank you for the opportunity to testify today. My name is Louise DiCocco, and I am Counsel for the Connecticut Business Industry Association (CBIA). CBIA represents thousands of member businesses, the majority of which are businesses with 25 or less employees.

The Workers' Compensation system is an exclusive remedy, and provides individuals who are injured or become ill at work as a result of their employment with wage replacement and medical benefits. It is a system whereby an employer cannot contest liability on the basis the injury was due to the employee's negligence. The employee is covered regardless, and in exchange for losing the right to contest fault, the employer benefits by having a stable, predictable system providing relatively quick disposition of claims. Any disputes are resolved through the Workers' Compensation Commission, and are resolved far more quickly than they could ever be in court.

CBIA **opposes HB 6916**. This bill appears to be addressing the issue of "unreasonable delay and expansion of remedies in workers' compensation claims". We oppose because unreasonable delay in workers' compensation claims is already addressed and codified in state law, under the purview of the Workers' Compensation Act. C.G.S. sec. 31-288 (b)(1) provides "Whenever through the fault or neglect of an employer or insurer, the adjustment or payment of compensation due is unduly delayed, employer or insurer may be assessed by the WC Commissioner, a civil penalty of up to \$1,000 for each case of delay." (2) Whenever either party to a claim under this chapter has unreasonably, and without good cause, delayed the completion of the hearings on such claim, the delaying party or parties may be assessed a civil penalty of not more than \$500.00 dollars by the commissioner hearing the claim for each such case of delay. Furthermore, C.G.S. sec. 31-300 provides "where through the fault or neglect of the employer or insurer...payments of compensation have been unduly delayed, the Commissioner may include in the award for undue delay, interest at 12% per annum and reasonable attorney's fees. "

Furthermore, HB 6916 in section (6) proposes that "if a pattern of hearing delay occurs with any particular insurance company, then the Unfair Insurance Practices Act, (presumably CUIPA) applies and would allow a claimant to bring action under the act. CUIPA does not allow a private course of action, presumably this would mean a claimant would have to ask the insurance commission to take enforcement action. Again, allowing this course of action goes against the exclusivity of the workers' compensation and the remedies that already exist for unreasonable delay contained within the system.

I will add the Connecticut Supreme Court case of *DeOliviera v. Liberty Mutual Insurance Co.* (273 Conn. 487 (2005) ruled among other things, that the workers' compensation law's exclusivity provision barred separate suits against an insurer for bad faith processing of a workers' compensation claim. C.G.S. secs' 31-288 and 31-

reflecting an ongoing decrease in the number of workplace injuries and claims filed. Adding on unnecessary mandates will only serve to increase workers' compensation costs.

Measures are already in place to aid employers in addressing opioid addiction. For these reasons, CBIA opposes HB 5883. Thank you for your consideration.

If you have any questions, or require additional information, please contact Louise DiCocco at 860.222.1169 or [louise.dicocco@cbia.com](mailto:louise.dicocco@cbia.com).